

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:14-cr-8-MR-3

UNITED STATES OF AMERICA,)
)
Appellee,)
)
)
vs.) ORDER
)
)
HERMANT SAHNEY,)
)
Appellant.)
)

THIS MATTER is before the Court on the Appellant's Notice of Appeal [Doc. 85], Amended Notice of Appeal [Doc. 86], and Motion for Stay and Release Pending Appeal. [Doc. 87].

Appellant Hermant Sahney, together with codefendants Scott Braddock and Isam Jaradat, were named in a two-count Bill of Information filed by the United States Attorney in this District on February 24, 2014. [Doc. 1]. Count One alleged Appellant and his codefendants unlawfully introduced into interstate commerce misbranded drugs in violation of 21 U.S.C. § 331 and 18 U.S.C. § 2. [Id. at 1-2]. Count Two alleged Appellant and codefendant Jaradat unlawfully offered drug paraphernalia for sale in violation of 21 U.S.C. § 863 and 18 U.S.C. § 2. [Id. at 2]. The Appellant

was summoned into court to answer the charges alleged in the Information.

[Doc. 10]

The Appellant made his initial appearance with retained counsel and was arraigned on March 5, 2014. Appellant then executed and filed a Consent to proceed before the Honorable Dennis L. Howell, United States Magistrate Judge. [Doc. 31]. Appellant, having previously executed and filed both a Plea Agreement [Doc. 8] and Factual Basis [Doc. 9], proceeded to tender a guilty plea before the Magistrate Judge. [Doc. 31]. Magistrate Judge Howell conducted a Fed.R.Crim.P.11 colloquy and accepted Appellant's plea of guilty to Count One of the Information. [Doc. 34]. The Magistrate Judge thereafter ordered the preparation of a presentence report and released the Appellant on certain conditions pending sentencing. [Doc. 32].

On November 21, 2014, Appellant appeared before Magistrate Judge Howell for sentencing and received, *inter alia*, a term of imprisonment of five months. [Doc. 81 at 2]. The Magistrate Judge continued the Appellant under his current terms of release and permitted him to self-report as directed for service of his sentence. Appellant, through counsel, timely filed a Notice of Appeal [Doc. 85] on December 4, 2014, an Amended Notice of

Appeal [Doc. 86] on December 5, 2014, and a Motion for Stay and Release Pending Appeal on December 9, 2014. [Doc. 87].

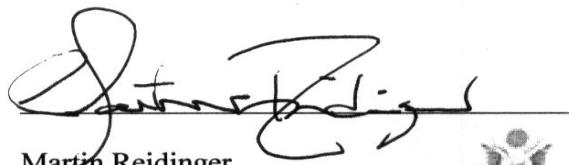
A timely notice of appeal having been filed, the Court therefore will enter a scheduling order for the briefs on appeal. The Court further will stay the Appellant's sentence of imprisonment pending the resolution of this appeal. See Fed. R. Crim. P. 38(b)(1); Fed. R. Crim. P. 58(g)(3).

IT IS, THEREFORE, ORDERED that the Appellant shall file his brief on appeal on or before thirty (30) days from the entry of this Order. The Appellee shall file its brief on or before thirty days (30) from the filing of the Appellant's brief.

IT IS FURTHER ORDERED that the Defendant's Motion to Stay Sentence [Doc. 87] is **GRANTED**, and the execution of the sentence of imprisonment is hereby stayed during the pendency of the appeal.

IT IS SO ORDERED.

Signed: December 11, 2014



Martin Reidinger
United States District Judge

